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Re: *Bhatia et al. v. Standard Chartered International (USA) Ltd., et al.* 09 CV 2410 (LTS); *Anwar et al. v. Fairfield Greenwich Limited, et al.*, Docket No. 09 CV 0118 (VM)

APR 24 2009

Hon. Victor Marrero
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Dear Judge Marrero:

We represent defendants Fairfield Greenwich Limited, Fairfield Greenwich (Bermuda) Ltd., and Fairfield Greenwich Advisors LLC in *Bhatia et al. v. Standard Chartered International (USA) Ltd, et al.*, 09 CV 2410 ("*Bhatia*"), an action involving the Madoff fraud that on April 21, 2009 was transferred from Judge Swain to this Court. A copy of the Notice of Reassignment is attached for the Court's convenience.

We write in accordance with the Court's January 30, 2009 Consolidation Order and Order for Appointment of Interim Co-Lead Counsel (the "Consolidation Order") in *Anwar et al. v. Fairfield Greenwich Limited, et al.*, Docket No. 09 CV 0118 ("*Anwar*" or the "Consolidated Action"), a consolidated action pending in this Court similarly involving the Madoff fraud. Paragraphs 5 and 6 of the Consolidation Order require counsel in *Anwar* to "cooperate in calling to the attention of the Clerk any newly filed or transferred case" that "relates to the same subject matter" as the consolidated *Anwar* action. *See* Consolidation Order ¶¶ 5-6.

We also write to respectfully request consolidation of *Bhatia* into *Anwar*. We believe that consolidation is appropriate pursuant to both the Consolidation Order and the Court's March 11, 2009 Civil Case Management Plan and Scheduling Order in *Anwar* (the "CMO"). Pursuant to the Consolidation Order, "the Court finds that it would be appropriate to consolidate with the Anwar Consolidated Action any additional related actions filed in or transferred to this Court after the date of this Order." *See* Consolidation Order at 2. Paragraph 1 of the CMO further provides that "[a]ll subsequently filed or transferred cases…arising from or relating to the facts and claims alleged in the Consolidated Action, including…any alleged losses in connection with investments made through or with Bernard Madoff…shall be consolidated, for all purposes, with the Consolidated Action." *See* CMO ¶ 1.

Both *Anwar* and *Bhatia* concern such losses from investments made with Madoff. Moreover, there is substantial overlap between the claims and parties in *Bhatia* and *Anwar*, and the *Bhatia* plaintiffs are included as members of the putative class pled in *Anwar*. Accordingly, under the plain terms of the Court's prior orders, it seems clear that consolidation of *Bhatia* into *Anwar* is called for.

We appreciate the Court's attention to this matter.

Respectfully submitted,

Mark G. Cunha

Enclosure

cc: United States Magistrate Judge Theodore H. Katz (by hand)
Plaintiffs' Counsel (by email)
Defense Counsel (by email)

Request GRANTED. The initial status conference herein is scheduled for 5-4-09 at 2:30p.m.

SO ORDERED.

4-30-09
DATE

VICTOR MARRERO, U.S.D.J.

United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
500 Pearl Street, New York, N.Y. 10007-1213

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NOTICE OF REASSIGNMENT

Bhatia

V.

Standard Chartered

09 cv 2410

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Pursuant to the memorandum of the Case Processing Assistant, the above-entitled action is reassigned to the calendar of

Judge Marrero

All future documents submitted in this action are to be presented in the Clerk's Office of the Southern District Court for filing and shall bear the assigned judge's initials after the case number.

The attorney(s) for the plaintiff(s) are requested to serve a copy of the Notice of Reassignment on all defendants.

J. Michael McMahon, CLERK

Date: 4/21/2009

By: **Leyni Disla**
Deputy Clerk

cc: Attorneys of Record
PS REASSIGNMENT FORM

Data Quality Control

Revised: March 9, 2001